

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:  
RESIDENTIAL CAPITAL, LLC, et al.,  
Debtors.

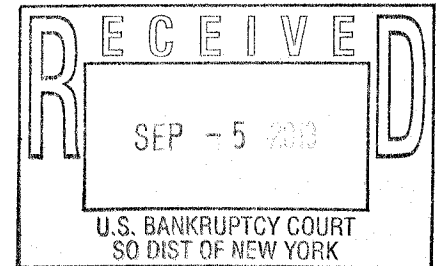
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Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

NOTICE OF BEARING ON TWENTY-FIRST OMNIBUS OBJECTION  
TO CLAIMS  
(BORROWER CLAIMS WITH INSUFFICIENT DOCUMENTATION)



Comes now, movant, Tom Franklin, to the honorable Judge of the said court and objects to the disallowance of his claims and will respectfully show the court that his claim should be allowed to continued for the following reasons:

1. The creditor is owed the money by the debtor
2. The debtor was not provided equal access to the debtor
3. This a legitimate creditor claim
4. The creditor has suffered extreme hardship
5. Dismissing this credit claim would be unjust

COMES NOW, THE Tom Franklin. TO THE HONORABLE JUDGE OF THE SAID COURT AND RESPECTFULLY FILES HIS RESPONSE TO THE Debtor request to dismiss his claim , AND WILL RESPECTFULLY SHOW THE COURT THE FOLLOWING:

1. The Debtor has acted in bad faith in the implementation of this chapter 13 bankruptcy. The Bankruptcy Court is charged with the responsibility of applying the bankruptcy code under which debtors are attempting to re-organize, while endeavoring to insure that all parties in interest receive fair and equitable treatment of their claims in interest and not the MOVANT. **In re UNR Industries, Inc. 726 F.2d 26.** The debtor does have adequate on his house and living quarters in so far as the property is concerned. The debtor does have employment which is sufficient to take care of his housing obligations.
2. Bankruptcy Filing are not prohibited by the court; especially in view when a person is trying to reorganize his debts.
3. The MOVANT' contention that the debtor is trying to manipulate the court is both true and accurate Any action taken in violation of the automatic stay is void **In re; Golden Plan of California, Inc., 37 B.R. 167.**

4. The MOVANT contention that the debtor is trying to manipulate the bankruptcy process is both true and substantiated especially in view of the fact that the property in question has been adequately taken care of

5. The movsnts contention that debtor has shown a pattern of conduct that doe not comport with the spirit of the Bankruptcy code provisions is groundless and without sound basis and substantiation. It is the job of the debtor to compensate the movants claim and to pay the full debt to protect both the movant and the debtor and to not take a side or become personal in any of the proceedings who is he working for.

6. The purpose of automatic stay is to permit the debtor to organize his or his affairs without creditor harassment and to allow orderly resolution of all claims. This is referenced to in **Bankruptcy Code, 11 U.S.C.A. Section 362. Fortier v. Dona Anna Plaza Partners, 747 F.2d 1324.**

7. **Congressional purpose in enacting automatic stay provision of the Bankruptcy Code was to grant immediate relief to debtor from creditors and also to prevent dissipation of the debtors assets before orderly distribution to creditors could be arranged; thus much weight is placed upon the value of preserving the debtor's estate. Bankruptcy Code, 11 U.S.C.A. section 362(a)(1,2). U.S. v. ILCO, Inc. 48 B.R. 1016.**

8. The automatic stay provision of bankruptcy code is designed to be defensive shield, affording the debtor much needed "breathing spell and to prevent harassment. Matter of Kozak Farms, Inc. 47 B.R. 399. Also cited Bankruptcy Code, 11 U.S.C.A. section 3629e).

9. The respondent believes that he has not conducted a "good faith effort" in the way that he has cooperated with this bankruptcy to allow the debtors Motion To lift automatic stay is not in the best interests of the debtor at this time. This is a large amount of court rationale which states that the court must go to extraordinary lengths to issue that bankruptcies on the part of the debtor are given a fair and an impartial to have their bankruptcies are given proper attention; this is not direct to the federal court but rather to the movants attorneys and their fiscal representatives who try to use every legal tactical opportunity to have the debtors bankruptcies dismissed. The respondent believes he has provided the movant with full cooperation and has not damaged the property in question because it is in good condition and will continue to stay in good condition because of the kind of just person which he is. The debtor has been steadfast in his obligations to the trustee office.

WHEREAS ALL things being given proper consideration the debtor; respectfully request that the Honorable Court allow his bankruptcy stay to continue.

Respectfully submitted:

Whereas all factor dully taken into consideration this claim should be allowed to continued.

**RESPECTFULLY SUBMITTED:**

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TOM FRANKLIN ET AL, PRO SE

5633 Oak Grove Road  
Fort Worth, Texas 76134

**CERTIFICATE OF SERICE**

I, Tom Franklin, hereby certify that on this \_\_\_15th\_\_\_ day of \_\_\_\_\_, 2013, a true and correct copy of the foregoing legal instrument was mailed, certified mail, return receipt requested to the following listed person who are entitled to have an interest in the out come of this case:

***Debtor***

**Residential Capital, LLC**

1177 Avenue of the Americas

New York, NY 10036

NEW YORK-NY

Tax ID / EIN: 20-1770738

**aka Residential Capital Corporation**

***U.S. Trustee***

**United States Trustee**

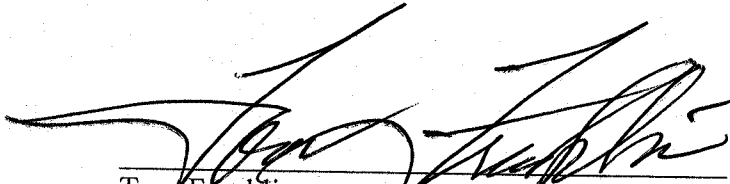
Office of the United States Trustee

U.S. Federal Office Building

201 Varick Street, Room 1006

New York, NY 10004

(212) 510-0500



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